

**DISTRICT COURT, WATER DIVISION 6, COLORADO
TO ALL PERSONS INTERESTED IN WATER APPLICATIONS
IN WATER DIVISION 6**

Pursuant to C.R.S. 37-92-302, you are hereby notified that the following pages comprise a resume of Applications and Amended Applications filed in the office of Water Division 6, during the month of **February 2022**.

2022CW1 ROUTT COUNTY Application for Absolute Water Rights (Surface). **Applicant:** Julie Claire Green Living Trust; 39575 RCR 33, Steamboat Springs, CO 80487; 970-846-1016; **Email:** juliegreenusa@gmail.com. **Name of Structures:** Yampa Pump 2. **Legal Description:** Routt County; SE4 SW4 Sec: 3 T6N; R85W; 6th PM. **UTM Coordinates:** E338109 N4485126 Zone 13; **Street Address:** 39575 RCR 33, Steamboat Springs, CO 80487 **Source of UTMs:** Hand Held GPS; **Accuracy of Location:** GPS within 40 Feet. **Source of Water:** Yampa River. **Date of Appropriation:** 06/01/21; **How Appropriation was Initiated:** Purchased pump and meter, installed electricity, laid pipes purchased sprinklers and hoses. **Date Water Applied to Beneficial Use:** 07/1/21. **Amount Claimed in Cubic Feet (cfs) Per Second or Gallons Per Minute (gpm): Absolute:** .27 cfs; 121 gpm. **List All Uses or Proposed Uses:** Irrigation of pasture land adjacent to the house for feeding livestock (horses). **If Irrigation: Number of Acres Historically Irrigated:** 0; **Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right?** Yes; **Name of Landowner:** Applicant.

22CW3013 – ROUTT COUNTY – APPLICATION TO MAKE ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE – 1. Name, Mailing Address, E-mail Address, and Phone Number of Applicant.

Steamboat Ski & Resort Corporation, c/o Dave Hunter, Vice President of Mountain Operations, 2305 Mt. Werner Circle, Steamboat Springs, Colorado 80487, E-mail: dhunter@steamboat.com, Phone: (970) 871-5319. Copies of all pleadings and other correspondence to: David F. Bower, Esq., Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027, E-mail: dfbower@j-rlaw.com, Phone: (303) 546-5608. With copy to: Jennifer Ingrassia, Deputy General Counsel, Alterra Mountain Company, 3501 Wazee St., Denver, Colorado 80216, E-mail: JIngrassia@alterramtnc.com; Phone: (303) 749-8312. **2. Overview.** Steamboat Ski & Resort Corporation (“Applicant”) owns absolute and conditional surface water rights that divert from the Yampa River for snowmaking and other purposes at the Steamboat Resort (the “Resort”). By this application, Applicant seeks to make absolute a portion of the enlargement right originally decreed to the snowmaking system in Case No. 94CW151, Water Division 6 (the “Enlargement Right”), and for a finding of reasonable diligence on the portion of the Enlargement Right not made absolute. A map showing the location of the decreed points of diversion for the snowmaking intake is attached as **Exhibit A**. **3. Description of Conditional Water Right.** (a) **Name of Structure.** Steamboat Ski and Resort Corporation Snowmaking Equipment Expansion (a/k/a Steamboat Ski Corporation Snowmaking Equipment). (b) **Original and all Relevant Subsequent Decrees.** (i) **Original Right.** The original water right for the Steamboat Ski Corporation Snowmaking Equipment was conditionally decreed for 8 cfs on July 10, 1981, in Case No. 81CW13, Water Division 6. The right was made absolute for 7.35 cfs by decree entered on April 7, 1983, in Case No. 82CW65, Water Division 6. The remaining 0.65 cfs was made absolute by decree entered on June 27, 1991, in Case No. 90CW58, Water Division 6. (ii) **Enlargement Right.** The subject Enlargement Right was conditionally decreed for 8 cfs on July 12, 1995, in Case No. 94CW151, Water Division 6. The Enlargement Right was continued in its entirety by the decrees entered on March 18, 2002, in Case No. 01CW50, Water Division 6, and on May 26, 2009, in Case No. 08CW13, Water Division 6. The Enlargement Right was made absolute for 1.36 cfs by decree entered on August 12, 2012, in Case No. 11CW11, Water Division 6. The remaining 6.64 cfs of the Enlargement Right was continued by decree entered on February 13, 2016, in Case No. 15CW3016, Water Division 6. (iii) **Alternate Point of Diversion.** An alternate point of diversion for the original and enlargement rights was decreed on December 9, 2019, in Case No. 18CW3046, Water Division 6. (c) **Decreed Points of Diversion.** (i) **Original Right.** The point of diversion for the original water right is described as located on the east bank of the Yampa River in the W1/2 of Section 28, Township 6 North, Range 84 West, 6th P.M., between the following points: (1) 2,390 feet from the south section line and 2,040 feet from the west section line of Section 28, Township 6 North, Range 84 West, 6th P.M., and (2) 190 feet from the north section line and 1,100 feet from the west section line of Section 28, Township 6 North, Range 84 West, 6th P.M. (ii) **Enlargement Right.** The point of diversion for the Enlargement Right is described as located on the east bank of the Yampa River in the SE1/4 SE1/4 NW1/4, Section 28, Township 6 North, Range 84 West, 6th P.M., 3,200 feet north of the south section line of Section 28 and 2,460 feet east of the west section line of Section 28, at the present point of diversion for the structure known as the Steamboat Ski Corporation Snowmaking Equipment. (iii) **Alternate Point of Diversion.** The alternate point of diversion for the original and enlargement rights is described as located on the east bank of the Yampa River in the SE1/4 of the NW1/4 of Section 28, Township 6 North, Range 84 West of the

6th P.M., at a point described as Zone 13, NAD83, Easting 345907.0m, Northing 4479671.0m. (d) Source. Yampa River. (e) Appropriation Date. December 29, 1994. (f) Amount. 1.36 cfs, absolute, 6.64 cfs, conditional. (g) Use. Snowmaking. **4. Claim to Make Absolute**. Applicant is requesting that 0.99 cfs of the conditional Enlargement Right be recognized as absolute for snowmaking purposes. Applicant's accounting demonstrates that 10.35 cfs was diverted on December 17, 2019, and immediately put to beneficial use for snowmaking purposes at the Resort. An engineering report supporting this application prepared by Applicant's water resources consultant, LRE Water, Inc., is attached as Exhibit B. Because the snowmaking system is already decreed as absolute for 9.36 cfs under the original and enlargement rights, an additional 0.99 cfs of the Enlargement Right may be recognized as absolute in this matter. **5. Claim for Finding of Reasonable Diligence**. Applicant is also requesting that the remaining 5.65 cfs of the conditional Enlargement Right not claimed as absolute in this matter be continued in its entirety, and that to the extent any portion of the 0.99 cfs claimed as absolute is not recognized, that it be continued as well. During the subject diligence period of February 2016 to present, the following activities were undertaken toward completion and application of the Enlargement Right to its decreed beneficial use of snowmaking at the Resort: (a) Recent Infrastructure and Improvements. Throughout the subject diligence period, Applicant installed infrastructure and made improvements to increase the size and capacity of the Resort's snowmaking system, which has resulted in more snowmaking and consequently, diversion and use of the Enlargement Right. In 2016, Applicant expanded its pumping capacity at the primary snowmaking intake on the Yampa River. In 2018, a new block house for snowmaking pipes and valves was constructed at the start of the Spur Run trail and the connecting pipelines were upsized. In 2021, Applicant replaced and upsized snowmaking pipelines to accommodate the pending Greenhorn Ranch expansion. Applicant also replaced steel snowmaking pipelines on the Lower Valley View trail with Ductile pipe, which will allow more coverage on snowmaking trails. This increase in snowmaking capacity and coverage all relies on the Enlargement Right for water supply and demonstrates Applicant's continued development of and need for the conditional water right. (b) Future Infrastructure and Improvements. In addition to the work already performed to the Resort's snowmaking system, Applicant has continued to plan and prepare for the installation of more pipelines, snowmaking guns, and other improvements that require the Enlargement Right. This summer, Applicant will be upsizing the pipelines from Greenhorn Ranch to the Rainbow Saddle and down Moonlight to support expansion in the Sundown/Sunshine area. Applicant will also be adding 30 fully automated fan guns in the Rough Rider Basin to supply manmade snow to the new Greenhorn Ranch learning area. Next summer, Applicant will be installing 60 new snowmaking guns to the Sundown/Sunshine area. To supply water to these upsized pipelines and the increased snowmaking coverage, Applicant will be adding two new variable-frequency drive pumps at its primary intake, which should allow the Resort to divert at a rate of 7,600 gpm. The snowmaking control house will also be expanded, and all five pumps will be replaced (with room for additional expansion in the future), all of which will result in a material increase in the capacity of the snowmaking system. (c) On Mountain Operations. Besides expanding the snowmaking system and manmade terrain coverage, Applicant continues to enhance its overall mountain operations. New amenities are being planned and Applicant continues to upgrade its grooming fleet with the addition of three new Prinoth snow groomers, a Bison and two Beasts. In 2020, Applicant also updated its Snowmaking Master Plan Update with Sno.matic Controls and Engineering, Inc. (d) Alternate Point of Diversion. Applicant has been working on a new alternate point of diversion for its snowmaking system throughout the diligence period. The snowmaking system's existing intake channel is located at a point on the Yampa River that is susceptible to the accumulation of sediment. To improve its system efficiency and reduce the need to periodically enter the channel, Applicant filed an application with the Water Court to add an alternate point of diversion to the snowmaking rights. The case was finalized on December 21, 2018, and a final decree approving the additional snowmaking intake was entered on December 9, 2019. Besides the Water Court decree, Applicant has continued to work with other relevant permitting authorities to advance the project. For example, on May 26, 2021, Applicant met with CDOT and the City of Steamboat Springs onsite to discuss the new snowmaking pumphouse project. LRE Water is actively designing a concept plan for the new intake, as well as working on permitting requirements for the project. SMI Snowmakers is also performing engineering on increasing the Resort's pipe sizing to support the additional snowmaking diversion intake and maximize Applicant's pumping capacity. All this work will better allow Applicant to expand the snowmaking intake to divert the full 16 cfs decreed to the structure. (e) USFS Permitting. Applicant has continued to open new terrain and expand its snowmaking coverage across the Resort consistent with its 2011 Master Plan and 2019 Amendment. Beginning in 2016, Applicant worked with the USFS and other stakeholders to obtain approval to expand the Resort's operational boundary, build the new Greenhorn Ranch learning center, construct 355 acres of new terrain in the Pioneer Ridge area, and expand the snowmaking acreage at the Resort by 53 acres. A Final Record of Decision on the 2018 Environmental Impact Statement was received on September 10, 2018. In 2020, the USFS initiated an Environmental Assessment for additional new project including, among other things, an adjustment of the Resort's boundary to encompass Fish Creek terrain and to allow more snowmaking in the Beaver Creek and Priest Creek basins. The Final Record of Decision for

the 2020 EA was issued on August 9, 2021. Both approval processes related to increasing the amount of skiable terrain and on-mountain snowmaking, thereby increasing the Resort's acreage to 3,320 acres, a 12 percent increase in total skiable acreage. When the terrain is fully opened, it will make Steamboat the third largest ski resort in Colorado. (f) USFS Water Availability Letter. As part of various ongoing USFS permitting matters, Applicant was required to provide a letter demonstrating the sufficiency of its water supplies pursuant to FSH 2709.11, Clause D-30. LRE Water provided that letter to the USFS on December 7, 2020. According to the findings in that letter, the uses and activities approved by the Forest Supervisor's September 2018 Record of Decision included the addition of 53.3 acres of on-mountain snowmaking. The 2020 EA will result in an additional 70 acres of on-mountain snowmaking. The water availability letter also identified the 6.64 cfs Enlargement Right that is the subject of this case as "available to support future snowmaking uses such as those described in this current analysis." (g) Protection of Water Rights. Applicant continues to monitor and participate in other water rights matters in Division 6 to protect its rights. Specifically, during the diligence period, Applicant was a party in Case Nos. 17CW3043, 18CW3020, and 20CW3015. In addition, Applicant participated in DWR meetings related to the recent over-appropriation declaration in the Yampa River basin and the new measurement rules. (h) General Engineering and Accounting Costs. In addition to all the other matters, Applicant incurred expenses for general water resources consulting and engineering services. As part of this work, LRE Water has (i) accounted for Applicant's water rights, including the subject Enlargement Right; (ii) prepared and submitted Applicant's accounting to the Division Engineer's Office; and (iii) provided general consulting services related to the operation and use of Applicant's rights and long-term water rights planning for the Resort. **6. Name and Address of Landowner Upon which any New or Modified Diversion Structure is Located.** No new or modified structures are involved in this application. Both the existing snowmaking intake and alternate point of diversion are located on land owned by the Colorado Department of Transportation ("CDOT"), Attn: Chief Engineer, Reference Permit No. 12-2-81, 4201 East Arkansas Avenue, Denver, Colorado 80222. As set forth in paragraph 7 of the decree entered in Case No. 08CW13, paragraph 7 of the decree entered in Case No. 11CW11, and paragraph 6(d) of the decree entered in Case No. 18CW3046, Applicant will obtain a utility permit or any other required instrument from CDOT before modifying or replacing the existing facilities or installing new facilities within the right-of-way. **WHEREFORE**, Applicant respectfully requests that the Court find that (1) the Steamboat Ski Corporation Snowmaking Equipment Enlargement right has been made absolute for an additional 0.99 cfs for snowmaking and (2) Applicant has been reasonably diligent in its efforts to develop the portion of the conditional Enlargement Right not made absolute, and that the same shall be continued in full force and effect.

22CW3014 ROUTT COUNTY, Surface and Groundwater Tributary to the Yampa River, Application to Make Partially Absolute and for Findings of Reasonable Diligence. Name and address of Applicant: Catamount Metropolitan District, c/o Mark E. Hamilton, Esq., Susan M. Ryan, Esq., Holland & Hart LLP, 600 E. Main Street, Suite 104, Aspen, CO 81611, (970)925-3476, mehamilton@hollandhart.com, smryan@hollandhart.com. Previous Decrees: Original Decree for Cabin Well, Deep Well, Lake Catamount Intake, and Water Structure (surface and storage right): 99CW72, Water Division 6, dated April 9, 2001. Subsequent decrees: 07CW31, Water Division 6, dated September 28, 2008; 14CW3027 Water Division 6, dated February 15, 2016. Original Decree for Well No. 2, Well No. 3, and Well No.4: W-784-74, Water Division 6, dated March 3, 1976. Subsequent decrees: 80CW05, 84CW36, 88CW25, 94CW113, 01CW52, and 14CW3027 all in Division 6. Original Decree for Good Yield Well (Well No. 1): W-404-72, Water Division 6, dated June 7, 1983. Subsequent decrees: W-404-76, 80CW152, 84CW194, 88CW165, 95CW87, 02CW12, 14CW3027 all in Water Division 6. Background: Through this Application, Catamount Metropolitan District seeks to make a portion of the water rights for the Lake Catamount Intake and Well No. 2 absolute; to cancel the absolute and conditional water rights decree for the Deep Well; and a finding of reasonable diligence regarding conditional water rights that were originally decreed in three separate proceedings (Case Nos. 99CW72, W-784-74 and W-404-72) and most recently continued as conditional in Case No. 14CW3027 ("subject water rights"), including any portions of the water rights not made absolute in this case. Name of Structure: Cabin Well. Legal Descriptions: SE1/4 SW1/4 of Section 34, T.5N., R.84W. of the 6th P.M., 1000 feet from the South section line and 2750 feet from the East Section line. Source: Groundwater tributary to the Yampa River. Appropriation Date: July 25, 1997. Decreed Amount: Total 449 g.p.m., or 1.0 c.f.s. (Conditional: 426.75 g.p.m. & Absolute: 22.25 g.p.m.), The combined annual amount of groundwater to be withdrawn by this well and all other wells under the priorities adjudicated in Case No. 99CW72 shall not to exceed 53.4 acre feet. Use: Domestic, fire protection, livestock watering, and all municipal uses, including without limitation domestic, sewage treatment, industrial, irrigation, commercial, and fire protection. Name of Structure: Deep Well. Legal Description: Located in the SW1/4 SE1/4 of Section 28, T.5N., R.48W. of the 6th P.M., 400 Feet from the South section line and 2520 feet from the East section line. Source: Groundwater tributary to the Yampa River. Appropriation Date: October 11, 1999. Decreed Amount: Total 15 g.p.m (Conditional: 8 g.p.m. & Absolute: 7 g.p.m.), The average annual amount of groundwater to

be withdrawn by this well under the priority adjudicated in Case No. 99CW72 shall not exceed 24.2 acre feet. The combined annual amount of ground water to be withdrawn by this well and all other wells under the priorities adjudicated in Case No. 99CW72 shall not to exceed 53.4 acre feet. Use: Livestock watering and all municipal uses, including without limitation domestic, sewage treatment, industrial, irrigation, commercial, and fire protection. Name of Structure: Lake Catamount Intake. Legal Description: A pump site located in the SE1/4 of Section 28, T.5N., R.84W. of the 6th P.M., 4830 feet South and 40 feet East of the North quarter corner. Source: Yampa River at Lake Catamount. Appropriation Date: February 27, 1999. Decreed Amount: 2.0 c.f.s. (Conditional: 1.74 c.f.s. & Absolute: 0.26 c.f.s.). Use: Irrigation of approximately 25 acres located in the E1/2 and SW1/4 of Section 28, T.5N., R.84W. of the 6th P.M.; piscatorial, aesthetic, recreational, municipal, and fire protection. Name of Structure: Water Feature (surface and storage right). Legal Description: (1) The point of diversion of the Water Feature is at the location of the Lake Catamount Intake. (2) SE1/4 of Section 28, T.5N., R.84W. of the 6th P.M., pursuant to the change in place of use in the 07CW31 Degree ¶ 12. Source: Yampa River. Appropriation Date: February 27, 1999. Decreed Amount: 2.0 acre feet, including the right to fill and refill for a total of 2.0 acre feet in any one year in order to keep ponds full; 2.0 c.f.s. (Conditional: 2.0 c.f.s. for Storage right & Absolute: 2.0 c.f.s. for surface right). Use: Piscatorial, aesthetic, recreational, fire protection, and wildlife uses. Name of Structure: Well No. 2. Legal Description: SE1/4 SE1/4 of Section 33, T.5N., R.84W. of the 6th P.M., 198 feet from the South section line and 414 feet from the East section line. A change of location for Well No. 2 was adjudicated on April 9, 2001 in Case No. 99CW72, District Court, Water Division No. 6. Source: Groundwater tributary to the Yampa River. Appropriation Date: February 19, 1974. Decreed Amount: 0.44 c.f.s. (conditional). The combined annual amount of groundwater to be withdrawn by this and all other wells under the priority adjudicated in Case No. 99CW72 shall not exceed 53.4 acre feet. Use: Domestic, livestock, commercial, industrial, irrigation, municipal, which includes without limitation sewage treatment and fire protection uses as decreed in Case No. 99CW72, and recreational. Name of Structure: Well No. 3. Legal Description: SE1/4 SE1/4 of Section 33, T.5N., R.84W. of the 6th P.M., 757 feet from the South section line and 1223 feet from the East section line. A change of location for Well No. 3 was adjudicated on April 9, 2001 in Case No. 99CW72, District Court, Water Division No. 6. Source: Groundwater tributary to the Yampa River. Appropriation Date: February 19, 1974. Decreed Amount: 0.44 c.f.s. (conditional). The combined annual amount of groundwater to be withdrawn by this and all other wells under the priority adjudicated in Case No. 99CW72 shall not exceed 53.4 acre feet. Use: Domestic, livestock, commercial, industrial, irrigation, municipal, which includes without limitation sewage treatment and fire protection uses as decreed in Case No. 99CW72, and recreational. Name of Structure: Well No. 4. Legal Description: SE1/4 SE1/4 of Section 33, T.5N., R.84W. of the 6th P.M., 1206 feet from the South section line and 1223 feet from the East section line. A change of location for Well No. 4 was adjudicated on April 9, 2001 in Case No. 99CW72, District Court, Water Division No. 6. Source: Groundwater tributary to the Yampa River. Appropriation Date: February 19, 1974. Decreed Amount: 0.44 c.f.s. (conditional). The combined annual amount of groundwater to be withdrawn by this and all other wells under the priority adjudicated in Case No. 99CW72 shall not exceed 53.4 acre feet. Use: Domestic, livestock, commercial, industrial, irrigation, municipal, which includes without limitation sewage treatment and fire protection uses as decreed in Case No. 99CW72, and recreational. Name of Structure: Good Yield well (Well No. 1). Legal Description: SE1/4 SE1/4 of Section 33, T.5N., R.84W. of the 6th P.M., 49 feet from the South section line and 217 feet from the East section line. A change of location for Good Yield Well (Well No. 1) was adjudicated on April 9, 2001 in Case No. 99CW72, District Court, Water District No. 6. Source: Groundwater tributary to the Yampa River. Appropriation Date: November 2, 1972, for all uses except livestock watering; December 30, 1999 for livestock watering. Decreed Amounts: 1.0 c.f.s. (Conditional: 349 g.p.m. & Absolute: 100 g.p.m). The combined annual amount of groundwater to be withdrawn by this well and all other wells under the priorities adjudicated in Case No. 99CW72 shall not exceed 53.4 acre feet. Use: Recreational, municipal, fire protection, livestock watering. Municipal use includes without limitation irrigation, domestic, commercial, industrial, and sewage treatment. A map generally depicting the locations of the subject water rights is attached to the Application as Exhibit A. Integrated System: The subject water rights, together with other water rights owned by the District, are part of an integrated system for the delivery of water to Lake Catamount. See e.g., ¶ 10 of the Decree in Case No. 07CW31 and ¶ 30 of the Decree in Case No. 99CW72. Evidence of Reasonable Diligence: A detailed outline of activities during the diligence period is included in the Application. Claims to Make Absolute: Lake Catamount Intake: Amount, 0.29 c.f.s. in addition to the 0.26 c.f.s. already decreed as absolute for irrigation use with a date applied to beneficial use on July 23, 2019. Well No. 2: Amount, 40 g.p.m. (0.09 c.f.s.) for Municipal use with a date applied to beneficial use on February 15, 2022. Deep Well: In consideration of the District's other water rights and water quality issues with the Deep Well described above in paragraph 3.D, the District agrees to voluntarily abandon the water rights for the Deep Well and requests that the Court enter an order confirming the cancellation of the absolute and conditional water rights decreed for the Deep Well. (12 pages with attached exhibits)

2022CW3017 ROUTT COUNTY Home Ranch, LLC, PO Box 966, Clark, CO 80428, c/o James S. Witwer and Brian Annes, DAVIS GRAHAM & STUBBS LLP, 1550 Seventeenth Street, Suite 500, Denver, CO, 80202, Telephone: (303) 892-7478, Facsimile:(303) 893-1379, Email: james.witwer@dgsllaw.com, brian.annes@dgsllaw.com. CONCERNING THE APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT PARTIALLY ABSOLUTE. 1. Name, address, telephone number, and email address of Applicant: See above with a copy to Applicant's counsel at the address in the caption above. 2. Name of Structure: Lower Franz Creek Ditch. 3. Information from Previous Decree: A. Date of Original Decree: The original decree was entered on March 4, 2016 in Case No. 2013CW3040, District Court, Water Division No. 6. There has been no subsequent decree awarding diligence. B. Legal Description of Point of Diversion: the SE1/4 of the SE1/4 of Section 4, Township 8 North, Range 85 West of the 6th P.M., Routt County, Colorado, at a point 805 feet from the South section line and 215 feet from the East section line of said section, Routt County, Colorado. The UTM location is NAD 83 Zone 13S: northing 4,504,678 m, easting 337,788 m. C. Source: Franz Creek, tributary to the Elk River, tributary to the Yampa River. D. Appropriation Date: December 30, 2013. E. Amount: 1.0 c.f.s., conditional. F. Use: Irrigation of approximately 21 acres and stockwater. 4. Detailed outline of work performed, and expenditures made toward completion of the appropriation and application of water to a beneficial use as conditionally decreed: During the diligence period, Applicant and its predecessors took steps to diligently develop the Lower Franz Creek Ditch, including, without limitation, the activities listed below. This list is not intended to be exclusive and may be supplemented by additional evidence. A. On January 28, 2021, Applicant purchased the ranch property, referred to as Rooney's Round Mountain Ranch (the "Property"), upon which the point of diversion and authorized place of irrigation for the Lower Franz Creek Ditch are located, along with related water rights, specifically including the subject water right. The prior owner of the Property, Rooney's Round Mountain Ranch Properties, LLC ("RRMRP") remained in possession of the Property through the summer of 2021. B. Prior to and after acquiring the Property, Applicant retained legal counsel and a water resources consultant to evaluate the water rights associated with the Property, including the Lower Franz Creek Ditch. C. Applicant's water resources consultant, Wright Water Engineers, Inc. ("WWE"), conducted a review of the Lower Franz Creek Ditch water right. A copy of WWE's findings is included with the application (the "WWE Summary"). D. After acquiring the Property, Applicant and legal counsel negotiated an amendment to the conservation easement in favor of Colorado Cattlemen's Agricultural Land Trust, which now more clearly includes the meadow decreed to be irrigated by water diverted through the Lower Franz Creek Ditch and burdens water rights related thereto, including the Lower Franz Creek Ditch. E. The Lower Franz Creek Ditch has been used for irrigation since at least 2015 when water was available during the irrigation season. The diversion records for the Lower Franz Creek Ditch structure maintained by the Colorado Division of Water Resources indicate that 0.7 c.f.s. was diverted through the ditch from July 9, 2019 through July 31, 2019. There was no downstream call on the Elk River or Yampa River during that time, and therefore the diversions under the Lower Franz Creek Ditch were in priority. F. RRMRP's ranch manager historically measured ditch flows for the Lower Franz Creek Ditch. The records maintained by the Colorado Division of Water Resources indicate that a 9 inch Parshall Flume was installed on March 21, 2016 to measure water diverted through the Lower Franz Creek Ditch. G. RRMRP's staff conducted annual maintenance on the ditch. H. Cattle are grazed on the Property, and Applicant intends to use the Lower Franz Creek Ditch for stock watering purposes in the future. 5. Claim to Make Conditional Water Right Absolute: Based upon the facts in Paragraph 4.E and Paragraph 4.F, Applicant requests that the Court make the subject water right absolute for the amount 0.7 c.f.s. for irrigation purposes. 6. Name and address of owners or reputed owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: Applicant. WHEREFORE, Applicant respectfully requests that the Court (i) enter a decree making the Lower Franz Creek Ditch partially absolute as set forth in Paragraph 5 and (ii) find that Applicant has exercised reasonable diligence in completing the appropriation for any portion of the water right not made absolute.

2022CW2 MOFFAT COUNTY Application for Absolute Water Rights (Surface). **Applicant:** Ervin and Arloa Gerber; 81010 W. Hwy 40, Craig, CO 81625-9688; 970-824-3396; **Email:** arloa@zirkel.us. **Name of Structures:** Gerber Reservoir. **Legal Description:** Moffat County; NE4 SW4 Sec: 33 T7N; R92W; 6th PM. **UTM Coordinates:** E268936.1 N4488226.7 Zone 13; **Street Address:** 81010 US Hwy 40, Craig, CO 81625 **Source of UTMs:** Ariel Map. **Source of Water:** Sand Springs Tributary to Yampa River. **Date of Appropriation:** 06/10/65; **Date Water Applied to Beneficial Use:** 06/10/65. **Amount Claimed in Cubic Feet (cfs) Per Second or Gallons Per Minute (gpm): Absolute:** 5.0 cfs. **List All Uses or Proposed Uses:** Proposed Irrigation and Domestic Use. **If Irrigation: Number of Acres Historically Irrigated:** 0; **Proposed to be Irrigated:** 9 acres. **Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right?** No; **Name of Landowner:** Applicant.

2022CW3 Moffat County Application for Absolute Water Rights (Surface). **Applicant:** David R. Seely; Wellsweep Ranches LLC, 1826 HWY 394 Craig, CO 81625, drseely@zirkel.us, 970.824.4288. **Structures:** Camp Spring; Rose Pasture Diversion, Sump & Pump. **Legals:** Camp Spring: NE ¼, NE ¼, S11, T4N, R90W, 6th PM, Moffat County; Rose Pasture Diversion: SE ¼, NW ¼, S27, T5N, R90W, 6th PM, Moffat County. **UTM:** Camp Spring: E290791, N4467736, Z13; Rose Pasture E289154 N4470411, Z13. **Sources:** Camp Spring: Unnamed Trib to Camp Spring Trib to Peck Homestead Gulch Trib to Williams Fork River; Rose Pasture Diversion: Unnamed Trib to Rose Pasture Diversion Trib to Williams Fork River. **Appropriation Dates:** Camp Spring: 1916; Rose Pasture Diversion: 6/1/2020. **How Appropriation was Initiated:** Camp Spring: Original homestead piped water to water tank and used water for domestic purposes; Rose Pasture Diversion: Constructed culvert sump and pumped to livestock tank and used for sheep camp. **Date Water Applied to Beneficial Use:** Camp Spring: 1916; Rose Pasture Diversion: 6/1/2020. **Amount Claimed:** Camp Spring: Absolute 5gpm; Rose Pasture Diversion: Absolute 8gpm. **Uses:** Camp Spring & Rose Pasture Diversion: Stock and domestic. **Non-irrigation Purpose:** Camp Spring: Currently spring is developed and dumped into pond. Plan to continue development of water to stock tank. Water will be used for hunting camp; Rose Pasture Diversion: Currently gravel pack sump constructed near riverbank, water is pumped to a stock tank. Sheep herders use water for domestic purposes while onsite. **Owners:** Applicants

2022CW4 Moffat County Multiple Application. **Applicant:** McStay Brothers, Inc. Mark McStay, 17835 CR 3, Craig, CO 81625, mmcstay@hotmail.com, 970.824.8525. **Application for Absolute Water Right (Surface).** **Structure:** Timberlake Tail Waters pipeline. **Legals:** NW ¼, SE ¼, S36, T11N, R92W, 6th PM. **UTM:** E275329 N4527388 Z13. **Source of UTM:** Handheld Garmin with Accuracy of 50 Ft. **Source:** Unnamed Trib to Timberlake Tail Waters Trib to Timberlake Creek Trib to 4 Mile Creek Trib to Little Snake River. **Appropriate Date:** 02/15/2022. **How Initiated:** Timberlake Tail Waters. **Beneficial Use Date:** 04/01/2013. **Amount Claimed:** Absolute 450gpm. **Use:** Irrigation, stock water, fire control, wildlife. **Irrigation Historic Use:** 70 acres. **Proposed Irrigation:** 70 Acres. **Intent to Supplement Irrigation on Area Already Irrigated Under Another Water Right:** No. **Non-irrigation Use:** stock water, fire control, wildlife (same as on irrigated map). **Additional Remarks:** Cattle will have access to stock tank. Can fill fire truck from pipeline. Wildlife will have access to creek area and tanks. **Application for Absolute Water Storage Right. Name:** McStay Reservoir No. 6. **Location:** See Attached. **Legals:** Same as Above. **UTM:** E275590, N4527346, Z13. **Source of UTM:** Same as above. **Source:** Unnamed Trib to McStay Reservoir No. 6 Trib to Timberlake Creek Trib to 4 Mile Creek Trib to Little Snake River. **Appropriation Date:** 05/01/1935. **How Initiated:** Pond construction with dam. **Beneficial Use Date:** 05/01/1935. **Amount Claimed:** Absolute 20 Acre Feet. **Use:** Same as Above. **Proposed Irrigation:** 80 Acres. (See attached). **Non-Irrigation Use:** Same as above. **Surface High Water Line:** 2.5 Acres. **Vertical Height:** 6 feet. **Length of Dam:** 60 Feet. **Total Capacity:** 20 Acre Feet. **Active Capacity:** 18 Acre Feet. **Dead Storage:** 2 Acre Feet. **Additional Remarks:** Cattle will have access to the pond for drinking. Pump available as needed to irrigate and fill fire truck. Wildlife will have access to pond as well. 05/01/1935 date of appropriation was determined by historical recollection from previous landowners. **Application for Conditional Water Storage Right. Name:** McStay Reservoir No. 7. **Location:** See attached. **Legals:** Same as above. **UTM:** E275645, N4527591, Z13. **Source of UTM:** Same as above. **Source:** Unnamed Trib to McStay Reservoir No. 7 Trib to Timberlake Creek Trib to 4 Mile Creek Trib to Little Snake River. **Appropriation Date:** 02/15/2022. **Amount Claimed:** Conditional 150 Acre Feet. **Proposed Use:** Irrigation, stock water, fire control wildlife. **Proposed Irrigation:** 120 Acres. **Intent to Supplement Irrigation on Area Already Irrigated Under Another Water Right:** No. **Non-Irrigation Use:** Same as above. **Surface High Water Line:** 25 Acres. **Vertical Height of Dam:** 10 Feet. **Length of Dam:** 200 Feet. **Total Capacity of Reservoir:** 150 Acre Feet. **Active Capacity:** 140 Acre Feet. **Dead Storage:** 10 Acre Feet. **Additional Remarks:** Cattle will have access to the pond for drinking. A pump will be set up as needed to irrigate and fill water tank for fire control. **Owner:** Applicants.

22CW3016 Jackson County. Mexican Creek and Middle Fork of Mexican Creek, tributary to Big Grizzly Creek, tributary to the North Platte River. **Application for Findings of Reasonable Diligence.** Applicant: Spicer Ranches, Ltd., c/o Sara M. Dunn and Ryan J. Mitchell, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant seeks a finding of reasonable diligence in the development of the Mexican Reservoir, 1st Enlargement and Mexican Reservoir Refill conditional water rights decreed in Case Nos. 14CW3048, Dist. Ct., Water Div. No. 6 on 2/13/2016. **Claim for Finding of Reasonable Diligence.** Name of Structure: **Mexican Reservoir, 1st Enlargement.** Legal Description: SE1/4 SW1/4, Sec. 9, T. 6 N., R. 81 W. of the 6th P.M., at a point 957 ft. from the S. line and 2,619 ft. from the W. line of said Sec. 9. UTM: Zone 13: 373608, Easting 44483900 Northing. Date of Approp.: 10/01/2013. Amt.: 200 a.f., conditional, with the right to fill and refill when water is physically and legally available. The refill under the Mexican Reservoir, 1st Enlargement shall be limited to 200 a.f. Uses: Irr. and supplemental irr. directly and by exchange; stock water; and piscatorial purposes. Number of acres proposed to be

irrigated with conditional enlargement: an additional 70 acres located generally in the S1/2 S1/2 of Sec. 10, the N1/2 SW1/4 of Sec. 10, the SW1/4 SW1/4 of Sec. 11, the NW1/4 NW1/4 of Sec. 14, the N1/2 NE1/4 of Sec. 15 and the NW1/4 of Sec. 15, T. 6 N., R. 81 W. of the 6th P.M. Applicant intends to also use the water as supplemental irr. either directly or by exchange for up to 300 acres on other properties leased or owned by Applicant. Physical attributes of reservoir: Surface area of high water line: 58.5 acres. Vertical height of dam: 16.9 ft. Length of Dam: 580 ft. Total capacity of reservoir in a.f.: 401.7 a.f. Active Capacity: 401.7 a.f. Dead Storage: None. Remarks: Applicant intends to enlarge the existing Mexican Reservoir, an on-channel reservoir that is filled by Mexican Creek and the Middle Fork of Mexican Creek and surface runoff to a capacity of 401.7. Applicant has 153.7 a.f. of senior irr. water storage rights decreed to Mexican Reservoir in Civil Action 286 and an additional 48 a.f. of irr. water storage rights decreed to Mexican Reservoir in Civil Action 511. Name of Reservoir: **Mexican Reservoir Refill**. Legal Description of location of dam centerline: SE1/4 SW1/4 of Sec. 9, T. 6 N., R. 81 W. of the 6th P.M., at a point 957 ft. from the S. line and 2,619 ft. from the W. line of said Sec. 9. UTM: Zone 13: 373608, Easting 44483900 Northing. Date of Approp.: 10/01/2013. Amt. claimed: 100.7 a.f. conditional. Uses: Irr. and supplemental irr. directly and by exchange; and stock water. Number of acres proposed to be irrigated: Up to an additional 300 acres on lands owned or leased by Applicant. Surface area of high water line: 30 acres. Vertical height of dam: 10 ft. Length of Dam: 450 ft. Total capacity of reservoir in acre feet: 101 a.f. Active Capacity: 101 a.f. Dead Storage: None. In the six years preceding the filing of the Application, Applicant has diligently pursued development of the subject water rights. The application on file with the Court contains a detailed outline of the work performed during the diligence period. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. (6 pages of original application, Exh. 1)

22CW3015 Rio Blanco County, White River. Application for Change of Water Storage Right. James Ritchie c/o Beattie Houpt & Jarvis, PO Box 1669, Basalt, 970-945-8659. Applicant seeks to change the place of storage of the conditional water right decreed to Ground Hog Pond No.1 to a location approx 0.67 miles downstream from its decreed location. The decreed amount, fill source, uses, and pond size will remain the same. Ground Hog Pond No. 1: Original decree entered on 05/22/00 in 98CW309 (Div 5); subsequent decrees entered in 06CW93 (Div 6), 13CW3019 (Div 6) and 20CW3017 (Div 6). Legal description: The decreed legal description provides that the spillway of the dam is located in the NE1/4SE1/4 of Sec 3, T 2 S, R 94 W 6th PM, at a point N 17°31'41" W 1,593 ft from SE Corner of said Sec 3, Rio Blanco County. The location may also be described as the NE1/4SE1/4 of Sec 3, T 2 S, R 94 W 6th PM, 1,519 ft from S sec line and 479 ft from E sec line of said Sec 3. Source: The pond is off-channel and is filled by diversions from Flag Creek by the Yonch Ditch Pond Enlargement for 2.0 cfs and Howey Ditch Pond Enlargement for 2.0 cfs. Appropriation date: 09/30/98. Amount: 30 af, conditional. Uses: Irrigation, livestock, wildlife, and piscatorial. Surface area: Max of 3.0 acres. Proposed changed: Legal description: The spillway of the dam will be located in the NW1/4NW1/4 (within Government Lot 5) of Sec 2, T 2 S, R 94 W 6th PM, with UTM coordinates (NAD 83, Zone 13) 250162 E, 4422025 N. Amount changed: 30 af, conditional. Owner of land: Applicant. (4 pages, 1 exhibit)

The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute, or be forever barred.

You are hereby notified that you will have until the last day of **April 2022**, to file with the Water Court a Verified Statement of Opposition, setting forth facts as to why a certain Application should not be granted or why it should be granted only in part or on certain conditions. A copy of such Statement of Opposition must be served on the Applicant or the Applicant's Attorney, with an affidavit or certificate of such service being filed with the Water Court, as prescribed by Rule 5, C.R.C.P. The filing fee for the Statement of Opposition is \$192.00, and should be sent to the Clerk of the Water Court, Division 6, 1955 Shield Dr. Unit 200, Steamboat Springs, CO 80487.

Carmma L. Parkison
Clerk of Court
Routt County Combined Court
Water Division 6

/s/ Carmma L. Parkison

